

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN

HEIDI HALL, et al.,

Plaintiffs,

v.

THOMACA BUSH, et al.,

Defendants,

Hon. Janet T. Neff

Case No. 1:20-cv-00731

ORDER

This matter is before the Court on Plaintiffs' Motion to Appoint Counsel. (ECF No. 3). For the reasons articulated herein, the Court denies Plaintiffs' motion.

Pursuant to 28 U.S.C. § 1915(e)(1), "the court may request an attorney to represent any person unable to employ counsel." In civil actions, however, the decision to grant such a request is discretionary and is generally allowed only in exceptional cases. *See Lavado v. Keohane*, 992 F.2d 601, 604-05 (6th Cir. 1993) (the decision to deny a civil litigant's request for counsel will be overturned only when the denial of counsel results in "fundamental unfairness impinging on due process rights").

When examining requests such as this, courts have generally considered factors such as: (1) whether the action presents a colorable claim for relief, (2) the litigant's ability to investigate crucial facts, (3) whether the nature of the evidence indicates that the truth will more likely be revealed when both sides are represented by counsel, (4) the ability of the litigant to present his case, and (5) the complexity of the legal issues presented. *See McKeever v. Israel*, 689 F.2d 1315, 1320-21 (7th Cir. 1982); *Lavado*, 992 F.2d at 605-06. The Court presently finds absent the factors warranting the appointment of counsel.

Accordingly, the Court hereby DENIES Plaintiffs' motion (ECF No. 3).

IT IS SO ORDERED.

DATE: September 22, 2020

/s/ Sally J. Berens

SALLY J. BERENS

U.S. Magistrate Judge